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TAGS: [PREL](#) [UNGA](#) [ICC](#)
SUBJECT: GA ADOPTS RESOLUTION ON INTERNATIONAL CRIMINAL
COURT (ICC)

REF: STATE 159396

Classified By: Ambassador Wolff for reasons 1.4 (b) and 1.4 (d)

¶1. (U) The General Assembly, November 26, adopted a draft resolution "Report of the International Criminal Court" (A/62/L.13) without a vote. The resolution was introduced by the Permanent Representative of the Netherlands who announced that in addition to the 99 co-sponsors listed in the draft, Afghanistan, Chad, Chile, Guinea, Haiti, Madagascar, Montenegro, and St. Kitts and Nevis had joined consensus for a total of 107 co-sponsors. Prior to adoption of the resolution, Ambassador Wolff explained the U.S. position (reftel).

¶2. (C) After the meeting, a somber, somewhat disconcerted Dutch Permanent Representative told Amb Wolff that the U.S. statement was "very tough". He said that it almost sounded like a declaration of war. Wolff responded that it was a reiteration of our request that the ICC states parties respect the right of states not to ratify the Rome Statute. This was not an unreasonable position, it was not a new position and it was certainly not a declaration of war. Rather, it was a clear reminder that the efforts the U.S. has made to respect the views of ICC parties should be recognized and appreciated. There must be an underlying understanding that United States co-operation offered to ICC parties, out of respect for their views, should not be taken for granted.

The co-sponsors refusal to reflect an understanding of the position of non-states parties indicated a lack of respect for their decisions not to ratify the treaty. Protestations to the contrary, it was clear that the basis for the co-sponsors' unwillingness to engage meaningfully on this issue was their commitment to universal adherence to the Rome Statute of the ICC.

¶3. The Dutch PR also questioned the U.S. focus on the details of reimbursement for UN services to the Court arguing that the ICC reimburses the UN. Wolff explained that the payments are reimbursed from the budget and the details of what services and facilities are provided to the ICC and the reimbursement requested by the UN are particularly important to states not party to the treaty but contributors to the UN budget.
Khalilzad